

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH M. PELTON,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of  
Social Security

Defendant.

Case No. C06-5389KLS

ORDER TO SHOW CAUSE

This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

By requesting the court to proceed *in forma pauperis*, plaintiff is asking the government to incur the filing fee because he allegedly is unable to afford the costs necessary to proceed with his cause of action. Local Rule CR 3(b) provides in relevant part:

At the time application is made under 28 U.S.C. § 1915 or other applicable acts of Congress, for leave to commence any civil action or to file any petition or motion without being required to prepay fees and costs or give security for them, each petitioner, movant or plaintiff shall:

- (1) Complete the in forma pauperis affidavit approved for use in this district; and
- (2) File a written consent that the recovery, if any, in the action, to such amount as the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and costs taxed against the plaintiff, and to his attorney the amount which the court allows or

1 approves as compensation for the attorney's services.

2 Plaintiff, however, has not submitted the written consent required by Local Rule CR 3(b)(2).

3 Accordingly, the Court hereby finds and ORDERS as follows:

- 4 (1) Plaintiff shall seek to cure this deficiency by filing **no later than August 20, 2006**, the  
5 written consent required by Local Rule CR 3(b)(2).

6 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**  
7 **prosecute this matter and the Court will recommend dismissal of this matter.**

- 8 (2) The clerk is directed to send a copies of this Order to counsel for plaintiff.

9 DATED this 20th day of July, 2006.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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